# COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT
## INCIDENT DATA

WHAT INITIATED INCIDENT

Call [X] Observation [ ] Search Warrant [ ] Arrest Warrant [ ]

LOCATION OF OCCURRENCE

1118 N. Crescent Heights Blvd.
West Hollywood, California

TYPE OF LOCATION

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Residence | [ ] | Business | [X] | Industrial | [ ] | Parking Lot | [ ] |
| Street | [ ] | Backyard | [ ] | Freeway | [ ] | Rural | [ ] |
| Other | [ ] | | | | | | |

SHOOTING CONDITIONS

| DATE | TIME | DAY |
|---|---|---|
| 09/12/95 | 0440 | Tuesday |

| LIGHTING | WEATHER |
|---|---|
| Poor | Cool |

DISTANCE

5 feet

CONTRIBUTING FACTORS

See Investigative Summary

# LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

## CLASSIFICATION

| | |
|---|---|
| ACCIDENTAL: | **N/A** |
| GUN TAKE-AWAY: | **N/A** |
| PERSON(S) ARMED: | **No** |
| PERSON(S) UNARMED: | **Yes** |
| STARTLE: | **No** |
| UNINTENTIONAL: | **No** |
| DEPUTY IN UNIFORM: | [X] RAID JACKET: [ ] PLAIN CLOTHES: [ ] |
| VEST WORN: | **Yes** |
| FOOT PURSUIT: | **No** |
| VEHICLE PURSUIT: | **No** |
| MOVING VEHICLE: | **No** |
| VEHICLE STOP: | **No** |
| TYPE OF HOLSTER: | **Department Issued** |
| GUN IN HOLSTER: | **No** |
| STRUGGLE INVOLVED: | **No** |

ADDITIONAL FACTS AND INFORMATION:
**See Investigative Summary**

# LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

## DEPUTY INVOLVED

### SHOOTER

| EMPLOYEE'S NAME |
|---|
| MARCUS HERSHEY |

| RANK | EMPLOYEE NO. | UNIT AND DIVISION / REGION OF ASSIGNMENT |
|---|---|---|
| Sergeant | [redacted] | West Hollywood/Field Operations Region II |

| SEX | RACE | HEIGHT | WEIGHT | DATE OF BIRTH | AGE |
|---|---|---|---|---|---|
| M | White | 5'10" | 170 | [redacted] | 37 |

| DUTY STATUS | HIRE DATE |
|---|---|
| On duty | [redacted] |

| UNIFORM | RAID JACKET | PLAIN CLOTHES | VEST |
|---|---|---|---|
| Yes | No | No | Yes |

| INJURED | DECEASED | CORONER'S CASE NO. |
|---|---|---|
| No | No | N/A |

| DESCRIPTION OF INJURIES |
|---|
| None |

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [ X ] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X ] NO [ ]

WHERE? West Hollywood Station

SUPERVISED BY:

### WEAPON USED

| TYPE | AUTHORIZED |
|---|---|
| 92F Beretta | Yes |

| AMMUNITION TYPE | AUTHORIZED |
|---|---|
| 9 mm Winchester | Yes |

| RANGE QUALIFICATION (LAST DATE) | NO. OF ROUNDS FIRED BY DEPUTY | NO. OF HITS |
|---|---|---|
| [redacted] | 1 | None |

### DEPUTY'S TOXICOLOGY

| UNDER THE INFLUENCE | TEST FOR CAUSE ORDERED | ORDERED BY |
|---|---|---|
| N/A | | |

### TRAINING INFORMATION

| LASER VILLAGE TRAINING (LAST DATE) | PRACTICAL POLICE COURSE (LAST DATE) |
|---|---|
| [redacted] | [redacted] |

## ASSIGNMENT HISTORY

| DATE | UNIT OF ASSIGNMENT | RANK |
|---|---|---|
| 11/28/93 - Present | West Hollywood Station | Sergeant |
| [redacted] | [redacted] | [redacted] |
| [redacted] | [redacted] | [redacted] |
| [redacted] | [redacted] | [redacted] |
| [redacted] | [redacted] | [redacted] |
| | | |
| | | |
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| | | |
| | | |
| | | |

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

| FILE | DATE | TYPE |
|---|---|---|
| | [redacted] | |
| | | |
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# LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

## SUSPECT/SUBJECT

| LAST NAME | FIRST NAME | M/I |
|---|---|---|
| Caudillo | Raymond | J. |

ADDRESS
[redacted]

| SEX: | RACE | HEIGHT | WEIGHT | D.O.B. | AGE | DECEASED |
|---|---|---|---|---|---|---|
| M | H | 5'05" | 135 | 10/31/73 | 22 | No |

| INJURED | DESCRIPTION OF INJURIES |
|---|---|
| No | |

**SUSPECT'S TOXICOLOGY**

UNDER THE INFLUENCE
Yes

| TYPE OF SUBSTANCE | LAB TEST CONDUCTED |
|---|---|
| Alcohol | |

| ARMED | TYPE OF WEAPON |
|---|---|
| No | N/A |

| NUMBER OF SHOTS FIRED BY SUSPECT | NUMBER OF HITS |
|---|---|
| None | None |

SUSPECT VEHICLE
None

CRIMINAL HISTORY (ATTACH COPY OF RAPS)
See attached

SUMMARY OF INCIDENT

Deputies responded to area regarding a burglary now call. After containing the area and searching unsuccessfully for the suspect, they began to break down the containment. A few moments later, deputies and an informant heard the sound of glass breaking at a location south of the original call. A sergeant and the watch commander responded and saw the suspect breaking out the window at the rear of a restaurant, in an attempt to exit the building. The sergeant, who was standing outside the location, approximately 5 feet away, could not see the suspect's right hand and repeatedly ordered him to put his hands up. The suspect did not comply, and after several seconds, made a sudden movement with his right hand as if to raise a weapon. The sergeant then fired one round, missing the suspect.

# LOS ANGE 'S COUNTY - SHERIFF'S DE \RTMENT

## WITNESS LIST

SWORN AND DEPT EMPLOYEES TO INCLUDE NAME, RANK, EMPLOYEE NUMBER, UNIT, AND DIVISION/REGION OF ASSIGNMENT - ALL OTHER WITNESSES TO INCLUDE NAME, ADDRESS (BUSINESS AND HOME) AND TELEPHONE #

WITNESS # 1

**Marcus Hershey, Sergeant #[redacted]**
**West Hollywood Station**
**Field Operations Region II**

**was interviewed on September 12, 1995 at 0725 hours by Sergeants Dayhoff and Knutson of the Internal Affairs Bureau. The interview was tape recorded. The person interviewed was given a copy of his AdministrativeRights: Yes [_X_] No [__]**

WITNESS # 2

**Steven Weisgarber, Lieutenant #[redacted]**
**West Hollywood Station**
**Field Operations Region II**

**was interviewed on September 12, 1995, at 0810 hours by Sergeants Dayhoff and Knutson of the Internal Affairs Bureau. The interview was tape recorded. The person interviewed was given a copy of his AdministrativeRights: Yes [_X_] No [__]**

WITNESS # 3

**Glenn Brandon, Deputy #[redacted]**
**West Hollywood Station**
**Field Operations Region II**

**was interviewed on September 12, 1995, at 0845 hours by Sergeants Dayhoff and Knutson of the Internal Affairs Bureau. The interview was tape recorded. The person interviewed was given a copy of his AdministrativeRights: Yes [_X_] No [__]**

WITNESS # 4

**Sal Cortes, Deputy #[redacted]**
**West Hollywood Station**
**Field Operations Region II**

**was interviewed on September 12, 1995, at 0915 hours by Sergeants Dayhoff and Knutson of the Internal Affairs Bureau. The interview was tape recorded. The person interviewed was given a copy of his AdministrativeRights: Yes [_X_] No [__]**

NOTE: THIS LIST ONLY CONTAINS THOSE WITNESSES PERSONALLY INTERVIEWED BY I.A.B. INVESTIGATORS. SEE ATTACHED REPORTS AND DOCUMENTS FOR POSSIBLE ADDITIONAL WITNESSES.

# LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

## WITNESS LIST

SWORN AND DEPT EMPLOYEES TO INCLUDE NAME, RANK, EMPLOYEE NUMBER, UNIT, AND DIVISION/REGION OF ASSIGNMENT - ALL OTHER WITNESSES TO INCLUDE NAME, ADDRESS (BUSINESS AND HOME) AND TELEPHONE #

WITNESS # 5

**Raymond Caudillo**

[redacted]

**was interviewed on September 12, 1995, at 1040 hours by Sergeants Dayhoff and Knutson of the Internal Affairs Bureau. The interview was tape recorded. The person interviewed was given a copy of his/herAdministrativeRights: Yes [__] No [X__]**

WITNESS # ____

**was interviewed on ________________ at _______ hours by ________________________ of the Internal Affairs Bureau. The interview was (was not) tape recorded. The person interviewed was given a copy of his/herAdministrativeRights: Yes [__] No [__]**

WITNESS # ____

**was interviewed on ________________ at _______ hours by ________________________ of the Internal Affairs Bureau. The interview was (was not) tape recorded. The person interviewed was given a copy of his/herAdministrativeRights: Yes [__] No [__]**

WITNESS # ____

**was interviewed on ________________ at _______ hours by ________________________ of the Internal Affairs Bureau. The interview was (was not) tape recorded. The person interviewed was given a copy of his/herAdministrativeRights: Yes [__] No [__]**

NOTE: THIS LIST ONLY CONTAINS THOSE WITNESSES PERSONALLY INTERVIEWED BY I.A.B. INVESTIGATORS. SEE ATTACHED REPORTS AND DOCUMENTS FOR POSSIBLE ADDITIONAL WITNESSES.

# LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

## ON SCENE CHECK LIST

| HANDLING UNIT | OFFICER IN CHARGE |
|---|---|
| 92F1 | Lieutenant Weisgarber |
| DIAGRAM LOCATION | PHOTOS OF LOCATION<br>Attached |

NOTE ALL VEHICLES INVOLVED IN INCIDENT

| LICENSE # | DESCRIPTION |
|---|---|
| N/A | |
| | |
| | |
| | |
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| | |

LOCATION OF ANY WEAPONS
None

LOCATION OF ANY BODIES
None

LOCATION OF ANY BLOOD
Inside of location

COMPLETE WITNESS LIST
Yes

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]
WHERE? West Hollywood Station
SUPERVISED BY:

VIDEO TAPE OF SCENE
No

IN SERVICE SHEETS
Attached

# LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

## CASE COMPLETION CHECK LIST

| | |
|---|---|
| RECORDED RADIO MESSAGES | **Attached** |
| MDT MESSAGES | **Attached** |
| STATION LOG PRINT OUT | **Attached** |
| CAR LOGS | **Attached** |
| PHONE CALL RECORDINGS PERTAINING TO CASE | **N/A** |
| PRINTS FROM SCENE | **N/A** |
| GSR TEST | **N/A** |
| BLOOD SPATTER EXAM AND ANALYSIS | **N/A** |
| ALL REPORTS AND DOCUMENTS FROM STATION / UNIT | **Attached** |
| STATION / UNIT TRAINING RECORDS | **Attached** |
| ACADEMY TRAINING RECORDS | **Attached** |
| TRAINING RECORDS FOR EQUIPMENT USED | **Attached** |
| SUSPECT PERSONAL HISTORY INFORMATION | **Attached** |

## INVESTIGATIVE SUMMARY

On September 12, 1995, Lieutenant Ron Tardiff and Sergeants Patti Dayhoff and Linda Knutston responded to 1118 N. Crescent Heights Boulevard, West Hollywood, to investigate a deputy involved, non-hit shooting.

At approximately 0420 hours on September 12, 1995, Unit 92F1, **Deputy Glenn Brandon #[redacted] and his trainee, Deputy Sal Cortes #[redacted]**, were assigned the handle on a burglary now call at [redacted] Norton Avenue, West Hollywood. Unit 92T2, **Deputy Tom Thompson #[redacted]**, and Unit 92F4, **Deputy Stan Garrett #[redacted]**, assisted in the containment. Unit 90S, **Sergeant Marcus Hershey #[redacted] and Lieutenant Steven Weisgarber #[redacted]**, also responded. The suspect's description was a male hispanic with black hair and wearing no shirt. According to the informants who called, the suspect had tried to break in several cars parked on the street. Deputies Brandon, Cortes and Thompson took a position on Norton Avenue, while Deputy Garrett took a position in the Bank of America parking lot on Santa Monica Boulevard, directly south of the location on Norton Avenue. After twenty minutes of unsuccessfully searching the area for the suspect, the deputies began to break containment.

Lieutenant Weisgarber asked Sergeant Hershey to take him back to the station. As they were driving south on Crescent Heights Boulevard, which is a north/south street and intersects with Norton Avenue one block north of Santa Monica Boulevard, they heard the sound of glass breaking. At the same time, the West Hollywood desk informed the units that an informant called to report the sound of breaking glass at the restaurant located at the corner of Crescent Heights Boulevard and Santa Monica Boulevard, which is behind his house.

Sergeant Hershey stated he was familiar with the location, which is actually two restaurants sharing one building; the "Me and Me" restaurant and "The Heights Cafe". They are located on a curve on the northeast corner at 1118 N. Crescent Heights Boulevard. The restaurants are set somewhat back from the street, separated from Santa Monica Boulevard proper by a small island. There is one westbound lane which curves into Crescent Heights Boulevard, north between the island and the restaurants' location.

Sergeant Hershey drove to the location and parked the radio car on the east side of the restaurant, in a small driveway. Sergeant Hershey stated he continued to hear the sound of glass breaking, but it was difficult to determine where the sound originated. He said he broadcast over L-TAC that he did hear glass breaking. Sergeant Hershey said he first went to the rear of the restaurants, but because there is a small addition which juts out on the east portion of the building, he could not see the entire rear of the location. Sergeant Hershey and Lieutenant Weisgarber then ran to the Bank of America parking lot, which is next to the restaurants, but they did not see anything.

Sergeant Hershey stated he then ran back to the rear of the restaurants because he could still hear glass breaking. He ran past the addition and into the rear yard of the location. He said at this time, he could see a male, wearing no shirt, standing on the inside of "The Heights Cafe" at a barred window. Sergeant Hershey said he could see shattered glass on the ground beneath the window. He further said the male, **suspect Raymond Caudillo**, had a "wild" look in his eyes. He said he could see Caudillo's left hand, which he was using to break the window further. He said he could not see Caudillo's right hand which was low and to his side and hidden by the windowsill. Sergeant Hershey further said Caudillo's movements were unusual. He said he had drawn his

weapon and pointed it at Caudillo. He said he moved in front of the window and was standing about 5 feet from it. Sergeant Hershey ordered Caudillo three times something to the effect, "Let me see your hands!", but there was no reaction from Caudillo. Lieutenant Weisgarber and Deputies Brandon, Cortes and Garrett heard Sergeant Hershey yell this to the suspect.

Sergeant Hershey stated the bars on the window made it difficult to see the suspect clearly or grab him. He said the suspect suddenly stopped hitting at the window and started moving slightly back from the window. Caudillo then quickly brought his right hand up. Sergeant Hershey stated he believed Caudillo was raising a weapon, and fearing for his safety, fired one round from his weapon. The round missed the suspect and struck a wall inside the restaurant. Sergeant Hershey stated he later realized the suspect had actually lifted his arms and turned his body to dive away from the window. He said he kept his gun pointed at the window for several more seconds, anticipating that the suspect would reappear at the window, which he did not.

Lieutenant Weisgarber, who was standing on the east side of the small addition, approximately 15 feet from Sergeant Hershey, stated he saw the suspect standing in the window. He said he thought he saw something in Caudillo's hand, and could see glass flying out of the window. Lieutenant Weisgarber saw Sergeant Hershey standing in front of the window with his gun pointed at the suspect. He said the angle at which he was standing prevented him from getting a good view on what the suspect was doing. He said he thought he then heard one gunshot and verified with Sergeant Hershey that he had. Sergeant Hershey told him he had fired one round. Deputy Garrett, who had left the Bank of America parking lot and was in the restaurants' driveway, broadcast over Dispatch that shots had been fired. Deputy Garrett and Lieutenant Weisgarber coordinated a containment around the restaurant building. Sergeant Hershey also advised over Dispatch that he had fired one round. A K-9 unit and an Aero unit were requested, but were unavailable. Paramedics were also requested and did respond to the location.

Suspect Caudillo continued running through the restaurant for several more minutes, while deputies contained the perimeter of the location. Caudillo eventually ran to the front door of the cafe and attempted to get out. The door, however, had security locks which prevented it from being opened from the inside or outside without a key. Deputy Garrett kicked the door frame, which broke the lock. Deputies were able to handcuff Caudillo with no incident.

Deputies Brandon and Cortes were on the other side of the 15 foot wall which surrounds the restaurant building's property. They did not see who had fired the gunshot and only heard Sergeant Hershey order the suspect to put his hands up.

Suspect Caudillo had broken into The Heights Cafe by breaking a small (approximately 11" x 27") window at the front of the restaurant and crawling through. He sustained numerous cuts on his back and upper right torso due from the broken glass **(Refer to Exhibit B )**. He was treated at the location by the paramedics from Los Angeles County Fire Department, Station 8, and did require further medical attention. He was transferred to West Hollywood station and booked for burlgary.

Suspect Caudillo stated he had gone to Peanuts, a local nightclub, earlier that evening. He said he consumed three drinks while there, and doesn't remember leaving the club, nor does he remember anything that occurred after that. He stated he did not hear a gunshot and does not remember being inside the restaurant.

Misdemeanor trespassing and vandalism charges were filed against Suspect Caudillo.